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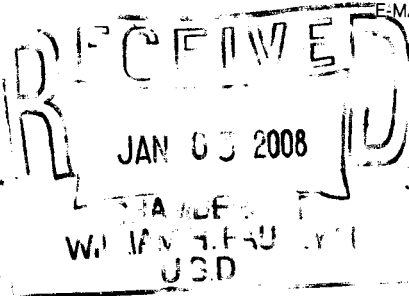
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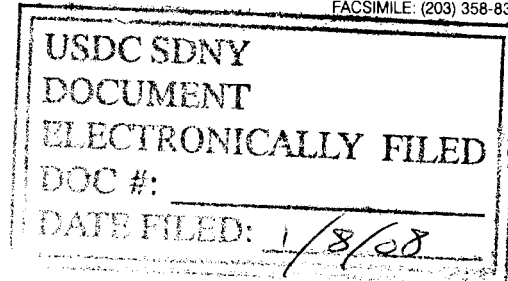
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January 2, 2008



Our Ref: 567-07/MEU

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BY HAND DELIVERY

Hon. William H. Pauley, III
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2210
New York, NY 10007

MEMO ENDORSED

Re: Louis Dreyfus Corp. v. M/V CMA CGM CORTES, et. al
USDC – SDNY 07 Civ. 6622 (WHP)

Dear Judge Pauley:

We represent Defendant Alpha Ship GmbH & Co. in the referenced matter. We write further to the December 28, 2007 letter of Messrs. Mahoney & Keane, attorneys for Defendant Compania Sud Americana De Vapores S.A. (CSAV) requesting a pre-motion conference or leave to proceed with a motion to dismiss the action on *forum non conveniens* grounds.

As noted in CSAV's attorney's correspondence, and also as discussed at the case management conference held on November 9, 2007, the instant matter involves a container said to contain coffee beans which was failed to be delivered to its intended destination in Antwerp as a result of the shipping container having been hijacked and stolen in Guatemala while being transported to the loadport.

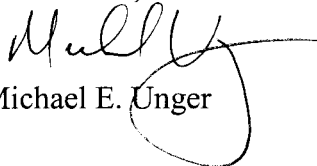
Hon. William H. Pauley, III
January 2, 2008

Based upon the fact that it is common ground the container was never loaded aboard the ship, we have requested counsel for both plaintiff and co-defendant CSAV to voluntarily discontinue their claims and cross-claims against our client. While CSAV is willing to discontinue its cross-claim, plaintiff refuses to discontinue the suit against the vessel owner in spite of the fact that there can be no liability on the part of the vessel.

Accordingly, it appears that it will be necessary for Alpha Ship to file its own motion for discontinuance of plaintiff's complaint on the basis of failure to state a cause of action upon which relief may be granted as well as on *forum non conveniens* grounds. We respectfully request the Court either schedule a pre-motion conference at its earliest convenience or authorize the filing of the motion without the need for the conference.

We thank the Court for its consideration.

Respectfully,
FREEHILL, HOGAN & MAHAR LLP



Michael E. Unger

MEU/mc

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Applications granted.
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.
1/4/08

The Defendants' respective motions will be addressed at a pre-motion conference on January 18, 2008 at 12:30 a.m.